



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

Writer Direct: (518) 776-2582

March 27, 2024

The Honorable Therese Wiley Dancks  
United States Magistrate Judge  
United States District Court  
Northern District of New York  
100 S. Clinton Street  
Syracuse, New York 13261

Re: Maitland M.D. v. Upstate Medical University, et al.  
Index No.: 21-cv-475 (MAD/TWD)

Dear Judge Dancks:

As the Court is aware, there is currently a motion to preclude evidence pending in the above referenced matter, with Defendants' responses due April 1, 2024. Dkt. 135, 136.

In preparation for Defendant's response, I have been in contact with my client SUNY Upstate, who has represented that they will consent to production of redacted copies of the reports and the underlying radiographic films that Plaintiff asserts is necessary. The notes which were also in question have already been produced and shared electronically through the same cloud previously used by parties.

I have been advised that these items are controlled by separate offices within the organization, each with different release protocols, and that production will likely not be possible prior to April 1.

I informed plaintiff's counsel that there would be a production but they have reserved their rights until such time as production had been made to decide what steps if any would be appropriate, but did graciously consent to a modest extension of time to let me continue to work with my client.

In light of the foregoing, and because disclosure of the materials at issue will be relevant to defendant's response to the pending motion, defendant requests a brief adjournment of the deadline to respond to the motion to preclude to **April 22, 2024**.

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Thank you for your kind consideration to this request.

Respectfully yours,

s/ *Peter A. McDaniel*

Peter A. McDaniel  
Assistant Attorney General  
Bar Roll No. 518415  
Peter.McDaniel@ag.ny.gov

cc: *via ECF*  
Alicia Rood, Esq.  
Schroder Joseph & Associates, LLP  
394 Franklin Street, 2<sup>nd</sup> Floor  
Buffalo, NY 14202

*Via ECF*  
Todd J. Pinsky, Esq.  
Pinsky & Skandalis, P.C.  
6723 Towpath Road-Suite 101  
East Syracuse, NY 13057